



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 8393-01
28 August 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Chief of Naval Operations dated 21 June 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

Ser 09B13/2U516960
21 June 2002

From: Chief of Naval Operations (N09B13)
To: Chairman, Board for Correction of Naval Records
Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF
[REDACTED]

Ref: (a) Your ltr AEG:jdh Docket No: 8393-01 of 15 Apr 02
(b) 10 U.S.C. 1552

Encl: (1) BCNR File
(2) Service Record

1. In accordance with reference (a) and pursuant to reference (b), enclosures (1) and (2) have been reviewed.
2. [REDACTED] is requesting a Purple Heart for an injury he received to his right upper arm while aboard the USS MELVIN when hit by a fragment of jagged steel from the mines that were exploded by gunfire from the destroyers.
3. Both the Chief of Naval Operations and Secretary of the Navy Awards Sections have reviewed this case and concur with the previous decision of PERS-313E not to issue the Purple Heart. [REDACTED] injuries were not at the hands of the enemy nor were they engaging the enemy in action at the time of accident.
4. However, we were able to make an eligibility determination in [REDACTED] behalf under Public Law 106-65 for the retroactive Combat Action Ribbon (CAR). The Chief of Naval Operations is pleased to forward under separate cover the CAR to [REDACTED] for his combat service during World War II.

[REDACTED]
By direction
Chief of Naval Operations